

# **PLYMOUTH BOARD OF SELECTMEN**

**TUESDAY, SEPTEMBER 19, 2017**

ALBA THOMPSON ROOM, TOWN HALL, 11 LINCOLN STREET, PLYMOUTH, MA – 7:10 PM

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## **7:10PM - CALL TO ORDER**

Ken Tavares, Chairman of the Board, called the meeting to order at 7:10 p.m. and led the Pledge of Allegiance.

Present:        Kenneth A. Tavares, Chairman  
                  Anthony F. Provenzano Jr, Vice Chairman  
                  John Mahoney  
                  Shelagh Joyce  
                  Betty Cavacco

                  Melissa Arrighi, Town Manager

Ken Tavares, Chairman of the Board, acknowledged Robert Gohl, a reporter for WATD who passed away on September 13, 2017. Chairman Tavares went on to say he was a pleasure to be interviewed by and will be deeply missed.

Chairman Tavares also wanted to mention that the PACtv Telethon was airing live this Saturday, September 23, 2017 from 5:00pm to 9:00pm, and that all proceeds will go to hurricane relief efforts in Texas and Florida.

Lastly, Chairman Tavares reminded everyone that the New Town Hall Ribbon Cutting was being planned for Sunday, November 12, 2017 from 1:00pm to 4:00pm. He invited anyone that wanted to join them in the public walk to be at the Old Town Hall by 12:15pm to line up behind the flags. He said once they arrived at the New Town Hall there would be remarks, the flag transfer and tours of the new building.

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## **7:14PM – PUBLIC COMMENT**

Pat McCarthy from Precinct 5 came up and touched on her concerns in regards to retail marijuana shops. She said she wished that the Board of Selectmen decided to put an “opt out” question on the Town Meeting Ballot. Ms. McCarthy went on to say that other towns have already opted out and hoped that the Board will reconsider.

Chairman Tavares then read a Proclamation claiming September as Suicide Prevention Month. Jenn Babcock, Chair of the Suicide Prevention Committee, came up and gave some statistics on suicide such as, it’s the second leading cause of death among individuals between the ages of 15 and 24 years of age, and that every 11.9 minutes another person completes suicide, and that in 2015 there were 44,193 suicide deaths in the United States. Ms. Babcock finished by saying they raised \$11,000 at a fundraiser this past weekend and thanked everyone that got involved.

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## 7:19PM – RKG REPORT

Kyle Talente from RKG Associates Inc. came up to begin his presentation to the Board. He began explaining what the Economic Development Master Plan consisted of. He told the Board that basically they were looking at where we are, where we should go, and how we will get there.

Mr. Talente then discussed benchmarks and why they are relevant. Some of the benchmarks that he used were as follows:

- Business Attraction
- Business Retention and Expansion
- Job Creation
- Tax-Base Development
- Quality of Life
- Entrepreneurial Growth
- Preservation and Sustainability
- Environmental Enhancement
- Tourism Development

Kyle Talente then talked about the Entergy Land. He said that some of the 1500 acre property is one of many assets and opportunities for Plymouth. He added that it could be years before this land is “on the market” as the plant is set to run until 2019 and the decommissioning process could take 10 years once they shut down. Mr. Talente said that we need to look at the physical assessment of the site, the market potential and the fiscal impact of developing that area.

Mr. Talente then talked about Economic Development in and around Plymouth and felt that there were gaps in the Town’s workforce needs and current development patterns. He added that Plymouth does not offer the variety of housing and amenities needed to attract younger households. This area focuses on the baby-boomer market at the higher income market.

Mr. Talente finished by going over what the next steps and tasks should be such as follows:

- Refinement of Market Analysis
- Fiscal Impact Analysis
- Implement Framework
- Implement Recommendations
- Submit Draft Report

Mr. Talente then asked the Board of Selectmen for input or if they had any questions.

Anthony Provenzano Jr, Vice Chairman, said he was struck by the limitations that the Town has as far as land use, specifically Colony Place, which he thought would be commercial but ended up being retail. Selectman Provenzano added that he agrees we are lacking on the age group from 24 to 49 years of age and they are the engine of the workforce.

Kyle Talente added that it’s the housing needs of that age group that we are lacking. He said there’s been a trend west of Plymouth which is what is hurting our growth.

Ken Tavares, Chairman, said that our elderly population is growing quickly so it’s as if we are pushing the younger demographic out of Plymouth.

Shelagh Joyce, Selectman, said that 50% of Plymouth's population is now over 45 years of age, and the prices of homes have risen so much that it's become a tough nut to swallow for the younger families to live in Plymouth.

Selectman Provenzano said one difficulty we've had for years is getting people off the waterfront and on to Main Street. Although people like to shop online, tourists still like to shop as well and the challenge is getting them into our shops. He then asked what affect shopping has on our growth.

Kyle Talente said it's a double-edged sword. We are saturated and competing with ourselves.

Chairman Tavares said that we're caught between the ocean and the hills behind us. The problem is how we retain tourists for a few nights rather than just overnight. He said we also need to look at transportation in the town and how to move people around.

Kyle Talente said there's no such thing as status quo, you have to keep changing in order to grow.

Selectman Joyce said that she believes we need to focus on medical and health services as half of our population is over 45 as previously mentioned.

Kyle Talente finished by saying our next step will be doing more analysis and having a more focused plan in place.

Chairman Tavares thanked him for coming in to give the presentation and looked forward to their next meeting to get updates.

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#### **8:04PM – ARTICLE 36 – Simes House Re-Zoning**

John Moody, President of Manomet Village Common, came up and gave a brief presentation on the history of the Simes House on Manomet Point Road. He talked about its conception and restoration over the years. Mr. Moody then talked about the final product and the potential uses and income for the facility.

Chairman Tavares thanked John Moody for his presentation and then asked if anyone wished to speak in favor of the zoning change. He then called them up one by one.

First up was Malcolm McGregor saying the opposition was originally with the parking issues which have been resolved. He said this house is a wonderful addition to Manomet and it was a fairly simple change to the zoning bylaws.

Sonja Barbosa came up saying she was from the Sandpiper Inn Veteran's Home. She said this zoning change will assure us a successful future and they're looking forward to it.

Kevin Doyle came to the podium and said this project began because it was about history. This house has been on the works for a long time and many Manomet residents wanted the house preserved. Mr. Doyle then talked about the background of the renovations and said that it appeared everyone in the neighborhood was in favor of this project. Now we're here deciding what we want to do with this house. He went on to say that we've made this decision more than once, and if the zoning change doesn't go through, then the non-profit will turn the house back over to the town. Mr. Doyle finished by saying this project is worth keeping and that we just can't throw away 3.5 million dollars because we're afraid of this zoning change.

Randy Parker came up and said if there's one person to blame or credit for the last 7 years it would be me. We were very careful, and most everyone understood that it was zoned residential at the time. Now, after all of this sweat equity, we have objections on what the house can be used for in order to maintain itself. Once this is approved, it will raise the value of surrounding property and give the ability for neighbors to change their zoning as well. Mr. Parker said that he realizes some people are afraid of change and that he doesn't think this will be a mistake or bad investment. He added that this house has been here for 154 years and we'll get another 154 years. We would appreciate your consideration on this Article.

Catherine Aeita came up next saying she opened a small pet supply store in Manomet Village. She added that people have been wonderful welcoming her into the community. She said she can see the use of this building and land for picnics and family events. Manomet is thriving and I can't say enough about how strong it is, and I hope you support this Article.

Chairman Tavares then asked if there was anyone wanting to speak against the re-zoning, and he asked them up one by one.

First up was Tom Kelly saying he's in his 25<sup>th</sup> year as a Town Meeting Member and that he voted for this house to be worked on and restored. He said we never did our due diligence to make sure zoning was in place for the intended use of the house. He said the Town is using their heavy hand to get this through. The parking is still an issue, and the grass will be ruined after a couple of events. Mr. Kelly then said that once a zoning change is made it stay with the property, so if this fails then it can be sold to a developer and they can tear down the house and make another use out of the property. If anyone should petition this Article it should be the Town, not a person that doesn't own the property. Mr. Kelly finished by saying, you are the landlords and will have to live with the repercussions of this Article.

Sandra King of 22 Old Colony Drive came up and thanked Randy Parker for saving the house but said that there's a huge problem with parking and they are circling around our dirt road. With the lack of parking and amount of traffic I don't see this succeeding. If there are events up to 50 people where are the restrictions going to be.

Mark Rieder of 21 Old Colony Drive came up saying that the commercial businesses listed in this area are pretty much daytime businesses. To have weddings there would mostly be nighttime events. Our road is very narrow so what will they do with all of the snow.

Chairman Tavares then opened the comments up to the Board of Selectmen.

Selectman Joyce asked hypothetically, if we enable periodic use and allow 6 to 8 private functions per year, would that be enough to support this building financially? She then said as far as parking on the lawn, would the lawn need to be plowed during the winter? She finished by saying she was against people parking at Luke's Liquors because it would cause more traffic problems pulling out into State Road.

John Moody replied by saying the Luke's Liquors agreement was for the Strand Avenue parking lot and not the one on Route 3A. It's the ancillary parking lot and should not affect the traffic on State Road.

Karen Buechs came up and said if it's turned into a church or a bank there would still be the same parking issues. She said that she could not point the finger at any one person for making the mistake, but she's glad it was made because it gave Manomet a chance. Ms. Buechs said she was grateful for John Moody, the Board of Selectman and the Community Preservation Committee for all of their hard work.

Selectman Cavacco asked why the driveway was moved to Colony Drive, to which Mr. Moody replied by saying he was not involved in that design and that he offered to take over the property after that was moved. Selectman Cavacco then said that she was not a supporter of the Simes House but now that it's finished she would like to see it be successful.

Chairman Tavares then asked Lee Hartmann, Director of Planning, to come up and explain the definition of the particular zoning and its uses.

Lee Hartmann came up and discussed the proposed zoning for the Simes House and what its intended uses would be. He said that Transitional Commercial Zoning has very limited uses but that other uses could be approved on another level for larger events.

Chairman Tavares asked how these limits would affect their plan, to which John Moody said if they are successful creating the Community Center that they envision, then there wouldn't be a need to have larger functions.

Chairman Tavares said he was interested in seeing the parking issue dealt with. He said that moving the parking into the back in a very residential area was not good, and then asked how they would be dealing with that, to which Mr. Moody said that is evolving every day and that he hoped to have that resolved by the time Town Meeting hits.

Chairman Tavares then said he agreed with arguments on both sides and recommended that the Board table their decision until we can get a clearer picture of the parking issues. He told John Moody that he respects the work that the foundation does but would really like to see a resolution to the parking issues.

Selectman Cavacco said she would like to see the committee and the neighbors get together and discuss issues and possible solutions.

On a motion by John Mahoney and seconded by Betty Cavacco, the Board voted to table Article 36 until more information was available on the parking situation. *Voted 5/0*

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## **9:18PM – ARTICLE 4A – Water Street Promenade**

Jonathan Beder, DPW Director, came up and gave a presentation on the Water Street Promenade Project. He began by going over the highlights such as Project and Process, Objectives, Key Features, Area Segments, Schedule, Project Costs, and Grants and Borrowing Impacts.

Mr. Beder then listed the specific objectives with the project as follows:

- Achieve goals set in 2007 Public Open Space Vision Plan
- Maximize Waterfront Access and Unique Experiences
- Enhance Community and Culture
- Expand Tourism and Recreation
- Stimulate Economic Investment

Next, Jonathan Beder went over design considerations as follows:

- Create a continuous Harbor-Front Promenade featuring:
  - ✓ Uniformly Wide Sidewalks
  - ✓ Greater Connectivity and Capacity
  - ✓ Enhanced Safety
  - ✓ ADA Compliance

- ✓ Amenities and Interpretation
- ✓ Civic and Cultural Attractions
- Address inadequate marine structures:
  - ✓ Integrity and Stability
  - ✓ Sea-Level Rise and Resilience
  - ✓ 3' Wave Height Increase Projected
- FEMA Mapping Update:
  - ✓ 100 Year Storm Wave Action

Jonathan Beder finished by giving the Action Plan based on a favorable Town Meeting Vote:

- Expect permits in hand by early 2018
- Final Design and Community Outreach
- Develop Construction Staging
- Contract Documents by late Winter
- Bid late winter or early spring
- Commence Construction by April 2018
- Complete Construction by October 2019

Anthony Provenzano Jr, Vice Chairman, congratulated Mr. Beder on a great presentation then said that the Baker Administration has touted the Waterfront as a valuable asset, and asked if this would help with grants, to which Mr. Beder said absolutely.

Selectman Provenzano then asked for input on earlier comments in the RKG Report regarding moving people from the Waterfront over to Main Street, and what affect this investment could have on commercial property.

Jonathan Beder said we're spending a great deal of time looking into the linkage aspect of the project and how to improve the connection between the Waterfront and Main Street. He then said it's difficult to put a number on commercial property values but said these types of amenities will set towns like Plymouth apart from other communities.

Shelagh Joyce, Selectman, said she heard Mr. Beder speak in front of Capital Overlay and said you felt there were a couple of things you'd like to add to this project. Could you explain and put a cost to these additions?

Jonathan Beder said yes, the road itself needs work along with drainage. The seawall in Segment A needs improvements so we'd come back for another 10 to 12 million dollars.

Selectman Joyce said this project has a lot of merit, but 40 million for the sewer, as well as millions for the schools is a lot to put onto the tax base.

Betty Cavacco, Selectman, said that this is the fourth time that she's seen this presentation and she loves the plan. She said they are always in the harbor and this will add economic value. Tourism is our business and the harbor is our lifeline.

Chairman Tavares said that this project hit the mark from day one. He said he's been pleased with the creativity that he's seen. He then said its always difficult going to Town Meeting without knowing there are grants that are available. Chairman Tavares then said he suggests proceeding with caution and to make the commonwealth know that we have a story to tell. He then asked the Town Manager what we are looking at for recommendations.

Melissa Arrighi, Town Manager, said that we need to raise 20% of the Project cost. The Finance Committee failed that motion because they wanted this project so badly that they didn't want to bind the Town to this recommendation. It's the perfect time to do this project and she said that she hopes the Board of Selectmen and Town Meeting will support it.

Selectman Mahoney said this is a great project but he can't support it as it is a big chunk of change. He also added that the State of Massachusetts hasn't figured out the historical value of Plymouth and they may never will. He finished by saying he can't move forward until there is some kind of guarantee with the funding.

Chairman Tavares said that we do have options. The Commonwealth has been responsive to Plymouth on infrastructure but we need to come up with a percentage of funding to come from other sources before we start the next phase.

Selectman Joyce said there is 1.7 million dollars from MassWorks and another 3 million for the seawall, then asked if they would ever come back and change the amount of these funds, to which Jonathan Beder said yes, they often do change them based on the project.

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to recommend Article 4A to the 2017 Fall Town Meeting as long as 20% of the Project costs was raised. *Voted 5/0*

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#### **10:04PM – BREAK**

Selectman Betty Cavacco left the meeting.

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#### **10:14PM – ARTICLE 4B – Town Wharf Bulkhead and Repair Work**

David Gould, Division of Marine and Environmental Affairs Director, came up and gave his presentation on the Town Wharf Bulkhead and Repair Work. He said they are requesting funds for the permitting process to get things going. Mr. Gould then went over the scope of this project along with its costs as follows:

- Review of Existing Information
- Site Investigation
- Report
- Preliminary Design
- Regulatory Approval
- Final Design and Construction Documents
- Bid Phase
- Construction Phase (Services)
- Resident Engineering Services

David Gould said the cost of this project is \$118,500 which he asked the Board to support.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board voted to recommend Article 4B to the 2017 Fall Town Meeting. *Voted 4/0*

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**10:19PM – ARTICLES 4C AND 4D – Airport Taxiway and Wildlife Hazard Master Plan**

Thomas Maher, Airport Manager, came up and briefly discussed both projects saying that the funding will mainly come from the Airport Enterprise Account. The total cost of the Delta Taxiway is \$1,900,000 and the WHMP is \$115,000 which he asked the Board to support.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board voted to recommend Articles 4C and 4D to the 2017 Fall Town Meeting. *Voted 4/0*

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**10:21PM – ARTICLE 4E – PIT Tag Project and Town Brook**

David Gould came up and explained that this project will utilize PIT Tags (Passive Integrated Transponders) inserted into alewife to collect pre-construction data on successful fish passage through Town Brook, specifically in and around Holmes Dam.

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board voted to recommend Article 4E to the 2017 Fall Town Meeting. *Voted 4/0*

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**10:23PM – ARTICLE 4F – Holmes Park Improvements**

David Gould came up and gave a presentation on the Holmes Park Revitalization Project. He began by saying one of the major goals is to improve accessibility which would include sidewalks, trails, paths and lighting. Mr. Gould also added that the project included updating the skateboard park and basketball courts. He then said that the total cost of the project was about \$600,000 of which \$348,000 would come from grants.

Selectman Mahoney asked if the grant for this project was competing against the grant for the Water Street Promenade to which David Gould said no, they are altogether different.

Selectman Joyce asked if Town Meeting has to approve this before applying for the grant, to which David Gould replied yes, the State requires you to be fully funded and then they reimburse you from the grant. He also said if for some reason the grant falls through then the project will be cancelled. Mr. Gould finished by telling the Board if we are awarded the grant he will be back to give them an update.

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board voted to recommend Article 4F to the 2017 Fall Town Meeting. *Vote 3/1*

*Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Joyce-No, Cavacco-Absent*

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**10:30PM – ARTICLE 7 – Upweller Revolving Fund**

Chad Hunter came up and explained the revolving fund saying it's a standard request.

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to recommend Article 7 to the 2017 Fall Town Meeting. *Voted 4/0*



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**10:35PM – ARTICLE 24 – Tethering Dogs**

David Gould came up and explained that they would like to amend Chapter 23, Section 10 of the Town of Plymouth's General Bylaws to include the following:

*No person owning or keeping a dog shall chain or tether a dog for longer than 5 hours in a 24 hours period and outside from 10:00pm to 6:00am unless the tethering is for not more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper. And a person shall not confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board voted to recommend Article 24 to the 2017 Fall Town Meeting. *Voted 4/0*

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**10:37PM – ARTICLE 14 – Conservation Land**

Betsy Hall, Open Space Committee Chairman, came up and discussed two pieces of property that Conservation was interested in. One was located off Long Pond Road and the other off Priscilla Beach.

John Mahoney said that we have 30 miles of oceanfront property and the Town owns very little of that. He then asked if lobstermen use the property on Priscilla Beach and empty their trucks what harm would that cause, to which David Gould said he's not aware of issues.

Chairman Tavares said that he received an email from a resident that said her brother uses that property to park and go fishing to which David Gould said he doesn't see an issue with using that property to unload lobster gear or for fishing.

Selectman Joyce asked if the land on either side of this lot was privately owned, to which Betsy Hall replied yes, it is private beach.

Janet McDonald came up and said that there are trucks parked there collecting sea moss and they are tired of the beach being used like a road.

Selectman Mahoney said this property came on our radar earlier this year and that one individual inquired about purchasing the lot just to cut off access.

Lee Hartmann, Planning Director, said this property is held in tax title so it could be sold, however we have very little coastal property for access.

Selectman Mahoney said that he trusts our Department Heads and that we need to hold on to this property to maintain public beach access.

Selectman Joyce said she is playing the devil's advocate, but this land hasn't had taxes coming in since 2010 and it's been sitting for 7 years so it might be nice to start collecting taxes on it again.

Chairman Tavares asked the Board to vote on each of the two properties separately as there seems to be more discussion needed for the Priscilla Beach parcel.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board voted to recommend land off Long Pond Road (Article 14) to the 2017 Fall Town Meeting. *Voted 4/0*

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board voted to recommend land off Priscilla Beach (Article 14) to the 2017 Fall Town Meeting. *Voted 2/2 Tavares-No, Provenzano-Yes, Mahoney-Yes, Joyce-No, Cavacco-Absent*

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**10:55PM – ARTICLE 30 – Zoning Bylaw**

Lee Hartmann came up and talked briefly about the permitting process in regards to zoning. He said this amendment to the Zoning Bylaw would streamline the permitting process.

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to recommend Article 30 to the 2017 Fall Town Meeting. *Voted 4/0*

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**10:57PM – ARTICLE 37 – Zoning Bylaw (Building Height)**

Michael Hanlon came up and discussed current building height limits. He talked about zoning and amending the building height limit in industrial zoning to be able to bring in more commercial business which would lessen the tax burden on residents. He added that we need to increase the density in industrial zones.

Selectman Provenzano said in light of the RKG Report is it more natural to go with a 60 foot height limit, to which Lee Hartmann said there is already a provision for 55 foot height so we are looking to go with that by right. He then said he preferred 75 feet as it would open up more opportunities.

Selectman Mahoney asked if the commercial tax dollar was more valuable than the residential tax dollar, to which Michael Hanlon said a dollar is a dollar.

Lee Hartmann said that it's the land value that will increase, which will then increase the tax income in commercial areas. Residential growth adds services which takes away from the tax base and costs the Town more money, where commercial growth does not.

Selectman Mahoney said that he supports this Article but it won't do what you are saying it will do. He went on to say over the last 50 years the residential growth has surpassed the commercial growth and this will not result in a diversified tax base. He then said that residential development has historically brought in more tax revenue than commercial.

Selectman Provenzano said that Selectman Mahoney must have been asleep for the first hour because you missed the whole point of the RKG Report. It's not just about the tax base; it's about building a sustainable community where people can afford to live. It's about developing more jobs in Plymouth that will draw in more residents.

Melissa Arrighi said that we need to keep more residents here, working and dinning in Plymouth. She also said we would never see a split tax base in our lifetime, nor would our children. It will just never happen.

On a motion by Shelagh Joyce and seconded by John Mahoney, the Board voted to recommend Article 37 to the 2017 Fall Town Meeting. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to amend Article 37 to a height of 75 feet and to recommend said Article to the 2017 Fall Town Meeting. *Voted 4/0*

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**11:16PM – TIDMARSH – Conservation Restriction**

David Gould came up and requested that the Board approve a conservation restriction for land known as Tidmarsh East. He went on to say the land was acquired with the help of the Audubon Society and will eventually become a sanctuary. He assured the Board that the CR had been thoroughly vetted and approved by the commonwealth as well as the Conservation Commission and he asked for the Board's support.

Selectmen Joyce said that it sounds fine but her only concern is that the Board just got all of this information this morning. She said it's no reflection on David Gould but it still gets very frustrating not have time to look over items like this.

Melissa Arrighi said they are often rushed for on certain items and this is just another example of that.

Selectman Joyce said that it just shouldn't happen like that. This is an important piece of land that came out of everyone's taxes so they should have time to read it over before the meeting.

David Gould said that actually this land did not get acquired by using tax money, and that it was entirely paid for by grants.

Chairman Tavares interrupted and said that once a Board member makes a statement like that I feel that we have the responsibility to table this until the Board has had a chance to review all of the information provided. He said that it will be taking place after Town Meeting so we have time to hear it again at next week's meeting, to which David Gould said this does not require Town Meeting action.

Selectman Joyce then asked if we could still place it on the Agenda for next week to which David Gould said yes, that would be fine.

Selectman Joyce then referred to Page 7, Number 12 saying that it talks about a parking lot and that the Town of Plymouth would be the grantee. She then asked if that meant that the Town would be responsible for the parking lot, to which Mr. Gould said yes.

Selectman Joyce then said there would be a cost to that. David Gould said it would be minimal because it would be grading, and he added that this would be in exchange for the drainage rights and highway easements that were requested by DPW.

Chairman Tavares then said we will put this back on the Agenda for next week's meeting.

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**11:22PM – ARTICLES 31 AND 32 – Recreational Marijuana**

Lee Hartmann came up and talked about the General Bylaws and Local Bylaws. He said that these two Articles would set regulations where currently there are none. Mr. Hartmann said both the Planning Board and the Chief of Police support this conservative approach. He added that if we do nothing then recreational marijuana would fall under general retail and could be available wherever we already have commercially zoned districts.

Lee Hartmann then explained the different options for recreational marijuana sales such as zoning locations, total number of establishments, hours of operations and fines. He then described the different types of facilities being retailers, testing facilities and cultivars.

Mr. Hartmann then listed the proposed Bylaw Amendments as follows:

Zoning Bylaw Amendments:

- Light Industrial District
- Special Permit (Zoning Board)
- 4000 Feet Between Marijuana Retailers
- 500 Feet From Schools

General Bylaw Amendments:

- Total Number of Retailers (20% of Retail Liquor Sales – 3 to 4)
- Hours of Operations (9:00am to 5:00pm 7 Days)
- Fines (\$100 to \$300)

Steve Lydon came up and said that he would like to see this expanded a little, but he would support this as presented.

Ken Buechs, Chairman of the Planning Board, came up and said that they support the moderate approach. He said they voted 4/0 to support both Articles 31 and 32 for Town Meeting. Mr. Buechs finished by saying they would not support Articles 39 and 40 because it would be too much, too soon.

Chairman Tavares then said the Board will hear Articles 39 and 40 first, and then take a vote after hearing all of the presentations.

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**11:28PM – ARTICLES 39 AND 40 – Recreational Marijuana**

Steve Striar, from 25 Steeple Chase, came up to present his Petitioned Articles. He began by disclosing that he has financial interest in a Medical Marijuana Facility in another town, and also has been considering opening an adult use retail shop.

Mr. Striar then gave a brief history of marijuana in Massachusetts saying it was decriminalized in 2008, then medical use became legal in 2012, recreational use became legal in 2016, and now retail sales will begin in 2018 adding that several other states have already legalized this years ago.

Mr. Striar then went over the differences between Town-Sponsored Articles and his Petitioned Articles. He pointed out that even though they were very similar in regards to hours and numbers of locations, the main differences were in the Zoning of Retail Shops. He said Articles 31 and 32 kept the retail shops in Light Industrial Zones, and Articles 39 and 40 would allow them in Light Industrial, General Commercial, and Arterial Commercial Zones. Mr. Striar went on to say being cautious is great, but we've already taken our baby steps in 2008, and again in 2012. He then added that the citizens have voted to legalize recreational marijuana and that sends a clear message to the state and municipalities that this is what the majority wants.

Chris Fava came up and thanked the Board for allowing him to speak. He said he was against all of these Articles. He went on to say that the Board still has the opportunity to put this back on the ballot as many towns have already voted to not allow retail sales in their communities. Mr. Fava then told the Board about an article he read in the Boston Herald about something called the Puff Bus, which is a bus that allows you to consume marijuana while they drive you around to clubs and bars. He then asked the Board if that's what they want in our town. Then he talked about Hempfest, and how you could smell this foul odor,

while young kids walked around with their families. Again, he asked the Board if this was what they wanted in our town. Mr. Fava then wanted to touch on one more subject and that was the placement of retail shops. He said that schools were mentioned but not churches. He said people have the right to go to their house of worship without having to deal with this issue. He thanked the Board for their time.

Selectmen Joyce pointed out a discrepancy in the back-up material for Articles 31 and 32 saying that a memo dated September 11, 2017 and it says 500 feet from schools, and then there's another memo dated September 12, 2017 that says 1000 feet from schools.

Lee Hartmann said that the Planning Board recommended the change to 1000 feet but after speaking to counsel they suggested keeping it 500 feet where it will be in Light Industrial Zoning. He said he must have missed making that one change and apologized.

Chairman Tavares then asked for a separate motion on Articles 31 and 32 before voting on Articles 39 and 40.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board voted to recommend Articles 31 and 32 to the 2017 Fall Town Meeting. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board voted to recommend Articles 39 and 40 to the 2017 Fall Town Meeting. *Voted 0/4*

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## **11:38PM - LICENSES AND ADMINISTRATIVE NOTES**

### **LICENSES**

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved a One Day Wine and Malt License for **EC Event Management** for a Comedy Show being held on September 28, 2017 from 6:00pm to 10:00pm at Studio G. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved a One Day Wine and Malt License for **Plimoth Plantation** for a Beer Tasting Event being held on September 30, 2017 from 10:00am to 4:00pm at their Craft Center. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved a One Day Wine and Malt License for **Spectacle Management** for Concerts being held at Memorial Hall on the following dates: *Voted 4/0*

- September 21, 2017 from 5:00pm to 11:00pm
- October 6, 2017 from 5:00pm to 11:00pm
- November 3, 2017 from 5:00pm to 11:00pm

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved a One Day Wine and Malt License for **Plymouth Guild** for a Jazz Performance being held on October 30, 2017 from 6:00pm to 12:00am at the Plymouth Center for the Arts. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved a One Day Wine and Malt License for **Plymouth Guild** for an Art Show Opening being held on October 30, 2017 from 6:00pm to 12:00am at the Plymouth Center for the Arts. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved a One Day Wine and Malt License for **Bramhall's Country Store** for an Acoustic Dinner being held on September 23, 2017 from 6:00pm to 8:00pm at the Country Store. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved a Change of Manager for **Mirabeau Boston South LLC** to Patricia Lynne McPherson.  
*Voted 4/0*

On a motion by Shelagh Joyce and seconded by Anthony Provenzano Jr, the Board approved One Pole Petition 2203822 for **Eversource Energy** and **Verizon** which covers the relocation of (3) poles on School Street. These pole relocations are necessary to accommodate the roadway construction. *Voted 4/0*

The Board did not object to a Keno License for **Town Line Tavern** which will be approved by the Massachusetts State Lottery Commission. *No Vote Needed*

#### ADMINISTRATIVE NOTES

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved the Open Meeting Minutes for the **August 22, 2017 Selectmen's Meeting**. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved and executed the **2017 Annual Fall Town Meeting Warrant**. *Voted 4/0*

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#### **11:42PM - COMMITTEE LIAISON / DESIGNEE UPDATES**

None

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#### **11:43PM - OLD BUSINESS / LETTERS / NEW BUSINESS**

None

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#### **11:44PM - ADJOURNMENT**

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to adjourn the Open Session at 11:44pm. *Voted 4/0*

*By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Joyce-Yes, Cavacco-Absent*

**Recorded by:** Christopher Badot

*Administrative Assistant, Board of Selectmen*